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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,591	08/30/2001	Tatsuya Yamazaki	35.C15721	6414

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EXAMINER

AGGARWAL, YOGESH K

ART UNIT PAPER NUMBER

2615

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/941,591	Applicant(s) YAMAZAKI, TATSUYA	
	Examiner Yogesh K Aggarwal	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 1-5, 13-23, 30-37, 39 and 42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-12, 24-30, 38 and 41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08/30/2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

1. Applicant's election with traverse of species 2 associated with figure 6 (Claims 6-12, 24-30, 38, 41) is acknowledged. The traversal is on the ground(s) that the subject matter of all species is sufficiently related that a thorough search for the subject matter of any one species would encompass a search for the subject matter of the remaining species. This is not found persuasive because the non-elected species contain features, which would not be included in a class/subclass search or text search for the elected species.

However, the applicant is reminded that upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

The requirement is still deemed proper and is therefore made FINAL.

2. Claim 40 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse by a telephonic interview. This claim was not withdrawn when the election of second species corresponding to figure 6 was made as this belongs to the third species corresponding to figure 9.

Drawings

3. Figures 11-13 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application.

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The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 6-12, 24-30, 38 and 41 rejected under 35 U.S.C. 102(b) as being anticipated by Ishii et al. (US Patent # 5,053,875).

[Claim 6]

Ishii et al. teaches an apparatus (figure 14) comprising a vibration detection device (element 11), a blur correction device (11) that corrects an image blur, based on output of said vibration detection device (col. 7 line 65 - col. 8 line 2), and a limiting device (12) that limits operation of said blur correction device in accordance with size of the vibration detected by said vibration detection device and an image sensing time (col. 8 lines 3-26, figure 15 clearly teach that Fluctuation-stabilization reference value used for correct blurring of the image pick up device 1 changes in accordance with an image sensing time and magnitude of motion vector).

[Claim 7]

Ishii et al. teaches an image sensing device (figure 14, element 1) that senses the optical subject image and converts the optical subject image into an image signal (col. 7 lines 57-64), wherein

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based on the output from said vibration detection device, said blur correction device corrects blurring of the subject image appearing between the image signals sensed by the image sensing device at different times, by processing these image signals (col. 8 lines 7-26, figures 15 and 19 depict image signals at different times).

[Claim 8]

Ishii et al. teaches in figure 15 that Fluctuation-stabilization reference value being changed by the limiting device in response to increasing of the vibration detected by said vibration detection device (Horizontal axis represents magnitude of motion vector).

[Claims 9 and 10]

Ishii et al. wherein the limiting device performs the limit in response to increasing of the image sensing time (different exposure times 1/500, 1/240, 1/120, 1/60).

[Claim 11]

Ishii et al. teaches in figure 15 that Fluctuation-stabilization reference value being changed by the limiting device in response to amplitude size of a vibration velocity detected by said vibration detection device (Horizontal axis represents magnitude of motion vector, wherein the motion vector represents motion or velocity of the device).

[Claim 12]

Ishii et al. teaches wherein said apparatus (figure 14) includes an image sensing apparatus (1).

[Claim 24]

An apparatus adapted to a blur correction device (figure 14, element 11) to correct an image blur based on an output of a vibration detection device (col. 7 line 65 - col. 8 line 2), the apparatus comprising a limiting device (12) that limits operation of said blur correction device (11) in

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accordance with the size of the vibration detected by said vibration detection device and an image sensing time (col. 8 lines 3-26, figure 15 clearly teach that Fluctuation-stabilization reference value used for correct blurring of the image pick up device 1 changes in accordance with an image sensing time and magnitude of motion vector).

[Claim 25]

See Claim 7.

[Claim 26]

See Claim 8.

[Claim 27]

See Claim 9.

[Claim 28]

See Claim 10.

[Claim 29]

See Claim 11.

[Claim 30]

See Claim 12.

[Claims 38 and 41]

Claims 38 and 41 are method and computer program storage claims corresponding to claim 24.

Therefore they have been analyzed and rejected based upon claim 24.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K Aggarwal whose telephone number is (703) 305-0346. The examiner can normally be reached on M-F 9:00AM-5:30PM.

6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Thai Tran can be reached on (703) 305-4725. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YKA
February 4, 2005


TUAN HO
PRIMARY EXAMINER